

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No.: 04-11939-JGD

MICHAEL J. WHALON,

Plaintiff,

v.

CHRISTY'S OF CAPE COD, LLC,

Defendant.

JOINT MOTION TO RESCHEDULE STATUS CONFERENCE

Plaintiff Michael J. Whalon ("Whalon") and Defendant Christy's of Cape Cod, LLC ("Christy's") (collectively, "the Parties") jointly move this Court to reschedule the Status Conference in this matter, currently set for October 11, 2005 at 2:00 p.m.

As grounds in support of this Motion, the Parties submit that fact discovery is ongoing. Due to a number of mutual scheduling conflicts, the parties have been unable to schedule and complete the depositions of two key fact witnesses in this case prior to the scheduled Status Conference: the Plaintiff and Patrick McKeown, Executive Vice President of Defendant Christy's of Cape Cod, LLC. The Plaintiff's deposition commenced on August 7, 2005, and is scheduled to be continued on October 11, 2005. Mr. McKeown's deposition is scheduled for early November, 2005.

The Parties submit that they will be in a much better position to advise this Court of their respective positions in this matter after the completion of these two key depositions. The Parties, through counsel, have also discussed the desirability of possible mediation after the conclusion of these lay depositions, either before or after the

Scheduling Conference. Accordingly, the Parties respectfully request that the Court continue the Status Conference to an available date on the Court's calendar after November 15, 2005. This will permit the parties to make better use of the Court's limited time during the Status Conference.

Dated: October 5, 2005

Respectfully submitted.

For the Plaintiff:

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